

CASE

NUMBER:

99-018

INDEX FOR CASE: 99-018
JACKSON ENERGY COOPERATIVE
Complaints - Service
OF PLEAS DAVIS

IN THE MATTER OF PLEAS DAVIS VS. JACKSON ENERGY COOPERATIVE

SEQ NBR	ENTRY DATE	REMARKS
0001	01/19/99	Application.
0002	01/22/99	Acknowledgement letter.
0003	01/27/99	Final Order dismissing complaint for failure to state a prima facie case.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-018
JACKSON ENERGY COOPERATIVE

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on January 27, 1999.

Parties of Record:

Sharon K. Carson
Finance & Accounting Manager
Jackson Energy Cooperative
P. O. Box 307
U. S. Highway 421S
McKee, KY. 40447

Pleas Davis
995 Reges Road
Irvine, KY. 40336

Stephan Bell

Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PLEAS DAVIS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 99-018
)	
JACKSON COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

O R D E R

Pleas Davis ("Complainant") filed a formal complaint against Jackson County Rural Electric Cooperative Corporation ("Jackson County RECC"). The Complainant claims that Jackson County RECC wrongfully located its facilities on his property and outside of the utility's right-of-way. The Complainant requests that the Commission order Jackson County RECC to remove its facilities from his property.

Commission regulation 807 KAR 5:001, Section 12(4), requires the Commission to review each formal complaint upon its filing to determine whether the complaint sets forth sufficient facts to establish a prima facie case. A prima facie case exists when, taking the facts set forth in the complaint as true, the Complainant is entitled to the relief requested. If a complaint fails to establish a prima facie case, the Commission must notify the Complainant and provide a reasonable opportunity to amend the complaint.

The Davis complaint fails to establish a prima facie case. It contains no allegations that Jackson County RECC has violated any statute or Commission

regulation. Moreover, the allegations appear to involve issues of private property law beyond the jurisdiction of the Commission.

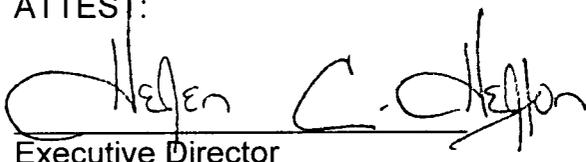
Based on the failure of the Davis complaint to state a prima facie case, the complaint will be dismissed. In the event that there are additional facts not set forth in the complaint for which relief can be granted, a new complaint should be filed.

IT IS THEREFORE ORDERED that the Davis complaint is dismissed for failure to state a prima facie case.

Done at Frankfort, Kentucky, this 27th day of January, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

January 22, 1999

Sharon K. Carson
Finance & Accounting Manager
Jackson Energy Cooperative
P. O. Box 307
U. S. Highway 421S
McKee, KY. 40447

Pleas Davis
995 Reges Road
Irvine, KY. 40336

RE: Case No. 99-018
JACKSON ENERGY COOPERATIVE
(Complaints - Service) OF PLEAS DAVIS

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received January 19, 1999 and has been assigned Case No. 99-018. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

99-00052
BJ

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 1 9 1999

PUBLIC SERVICE
COMMISSION

In the matter of:

Pleas Davis)
(Your Full Name))
COMPLAINANT)
VS.)
Jackson Energy Cooperative)
(Name of Utility))
DEFENDANT)

Case
99-018

COMPLAINT

The complaint of Pleas Davis respectfully shows:
(Your Full Name)

(a) Pleas Davis
(Your Full Name)
995 Reges Road, Irvine, KY 40336
(Your Address)

(b) Jackson Energy Cooperative
(Name of Utility)
P.O. Box 307, McKee, KY 40447-0307
(Address of Utility)

(c) That: In June 1998 the Jackson County Electric Cooperative had
(Describe here, attaching additional sheets if necessary,
their men place marker sticks in order to run new lines. When they
the specific act, fully and clearly, or facts that are the reason
placed their marker sticks. I noticed they had been moved from the
and basis for the complaint.)
original right of way over towards my house. I went to Jackson
County to discuss this matter with the electric company. They

Continued on Next Page

Formal Complaint

Pleas Davis vs. Jackson County Electric Cooperative

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apologized and stated there had been a mistake made and they would correct
it. After a few months had passed the Electric Company came and placed the
electric pole where the marker sticks had been placed. Which was off their
right of way. This placed the new line 25ft 1/8 in towards my house. After
numerous complaints, phone calls, and speaking with the Electric Company.
they refuse to resolve this matter. See additional page.

Wherefore, complainant asks that the Jackson County Electric Cooperative put
(Specifically state the relief desired.)

their line back on the original right of way.

Dated at Irvine, Kentucky, this 12 day
(Your City)
of January, 1999.

Pleas Davis
(Your Signature)

(Name and address of attorney, if any)

Continued: It is my understanding that the Electric Company claims so many feet on each side of their line. According to the Electric Company they have the right to move their right of way even when they already have a right of way and refuse to stay on it. My major complaint is therefore the Electric Company moving off their right of way and taking a new right of way without any permission or compensation for their act. Placing me and my family in danger.